

UNSWORN DECLARATION UNDER PENALTY OF PERJURY
TITLE 28, UNITED STATES CODE §1746

Pursuant to Title 28, United States Code, Section 1746, I, Andres Cabrero, U.S. Customs and Border Protection Officer (CBPO), declare, under penalty of perjury, as follows:

PROFESSIONAL BACKGROUND

1. I am employed as a Customs and Border Protection Officer with the United States Customs and Border Protection (CBP), Department of Homeland Security, stationed in San Juan, Puerto Rico. I have worked first as a Customs Officer under the legacy agency U.S. Customs Service and now as a Customs and Border Protection Officer for CBP for over 40 years, beginning in 1971. My field of expertise is in the area of Trade, which incorporates attending and processing each and every aspect of international commerce both inbound from foreign countries as well as outbound to foreign countries.
2. I attended the Customs Inspector Basic School at Hofstra University in New York. This course is now offered at the Federal Law Enforcement Training Center in Georgia.

ITEM TO BE FORFEITED

333 Cartons containing 5,694 Christmas Decorative Lights.

SUMMARY OF INVESTIGATION

3. The statements contained in this declaration are based on my personal knowledge and information provided to me in my official capacity.

4. I am assigned to the CBP Seaport Branch with the Trade Sensitive Team (TST). I have worked within the TST for the last ten years. The TST is the active field Trade enforcer arm for the CBP Office of Import Specialists as well as Trade Enforcers for CBP at large on other tasks and responsibilities inherent to Customs work such as cargo inspections for shipments arriving from foreign countries.
5. Pursuant to Title 19, United States Code, Section 1595A(c), CBP has the authority to seize and forfeit merchandise that is introduced into the United States in violation of the Customs laws or other health and safety laws, which includes seizing merchandise that constitutes a “substantial product hazard” as defined in Title 15, United States Code, Section 2064. CBP has exclusive authority to effect seizures and forfeitures under Title 19, United States Code, Section 1595A(c) as well as other statutes.
6. A shipment of Christmas decorations items arrived on October 9, 2011, from China under Bill of Lading APLU065341916. These items were imported by Pepe Ganga Corp., a local San Juan firm, under consignee Bond Number 66-054727900 and Importer Bond Number 66-042147100, as per documentation filed by San Juan Customs Broker R.E. Delgado, Inc. The shipment consisted of 1,327 cartons of assorted Christmas seasonal items under invoice #13889, dated September 9, 2011. The manufacturer and shipper of record was Michael Cheung Associates Limited from Hong Kong. The container was transported to the Del Castillo warehouse on October 20, 2011 for examination.
7. On Friday, October 21, 2011, a joint examination of a shipment of Christmas Decorations (lights) was conducted at the Del Castillo Customs Examination Site (CES) with the Consumer Protection Safety Commission (CPSC). Under the joint


examination, two styles of Christmas lights as described in the commercial invoice as #31410 "LUZ MUSICAL 100" and #31481 "150 8 Function Round Tray" were found and identified to potentially have defective wiring that could cause the wiring to overheat and set fire to the set itself and any combustible item in the vicinity. The two styles were contained in 333 cartons.

8. Three samples per each style were retained by CPSC on October 21, 2011. On October 24, 2011, CPSC issued a Notice of Sample Collection and Notice of Detention, which were provided to CBP. The samples (identified by CPSC as 12-810-6687 and 12-810-6688) were sent to the CPSC Laboratories in the continental U.S. for further evaluation. Attached hereto as Exhibit 1 is a true and correct copy of the Notice of Sample Collection and Notice of Detention issued by CPSC.
9. On or about October 24, 2011, CBP placed a copy of CPSC's Notice of Sample Collection and Notice of Detention in the importer R.E. Delgado's mail box, which is located at one of CBP's premises known as Cargo Analyses and Research Inspection Team (CARIT).
10. On October 26, 2011, CBP issued a formal Detention Notice under CBP Form 6051D #1250002, pursuant to its authority under Title 19, United States Code, Section 1499(c)(2). Attached hereto as Exhibit 2 is a true and correct copy of the Detention Notice issued by CBP.
11. On October 26, 2011, CBP issued a Partial Release letter where 994 cartons out of the total of 1,327 cartons of Christmas items were released to the importer because these items were found to be in compliance.

12. On November 17, 2011, CPSC Form 330 was received, which indicated that the detained items were defective. Specifically, CPSC staff testing results indicated that the items had severely undersized wires, which can overheat, catch fire, and propagate to nearby combustible material. In addition, the products failed a strain relief test, which indicates a shock hazard.
13. As a result, on November 29, 2011, CBP exercised its authority under Title 19, United States Code, Section 1595A(c) and seized the items. CBP's decision to seize the items was based on the information provided by CPSC on November 17, 2011, as described in paragraph 12 of my declaration.
14. As a result of the foregoing, I processed the seizure of the 333 Cartons containing 5,694 Christmas Decorative Lights.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed in San Juan, Puerto Rico, this 07 day of August, 2012.



Andrés Cabrero
U.S. Department of Homeland Security
U.S. Customs and Border Protection ("CBP")